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## The Maria da Penha Law and the principle of male presumption of innocence: a critical analysis of the conflict of fundamental guarantees in Brazilian criminal law.

*The Maria da Penha Law and the principle of male presumption of innocence: a critical analysis of the conflict of fundamental guarantees in Brazilian criminal law.*

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### SUMMARY

This article analyzes the tensions between the application of the Maria da Penha Law (Law No. 11.340/2006) and the constitutional principle of presumption of innocence, contextualized within the figure of the investigated or accused man. Through qualitative, descriptive, and bibliographical research, grounded in contemporary doctrine, legislation, and recent jurisprudence, it examines how the protective mechanisms of the law can, in certain cases, generate procedural imbalance and compromise fundamental guarantees. The study demonstrates that the speed of urgent protective measures, while essential for the protection of women in situations of violence, can cause significant legal, social, and psychological harm to the accused, including moral, material, and emotional damages that are difficult to repair. It concludes that there is a need to improve investigation mechanisms, provide ongoing training for legal professionals, and ensure the rigorous technical application of criminal law, aiming to balance the protection of victims with the preservation of the constitutional guarantees of the investigated party, thus ensuring the full effectiveness of the justice system.

**Keywords:** Maria da Penha Law; Presumption of Innocence; Criminal Law; Gender Violence; Procedural Guarantees; Abuse of Rights.

### ABSTRACT

This article analyzes the tensions between the application of the Maria da Penha Law (Law No. 11,340/2006) and the constitutional principle of presumption of innocence of the investigated or accused man. Based on qualitative, descriptive, and bibliographical research grounded in contemporary doctrine, legislation, and recent jurisprudence, it examines how the law's protective mechanisms may, in certain cases, generate procedural imbalance and affect fundamental rights. The study shows that the promptness of urgent protective measures, while essential for safeguarding women in situations of violence, can cause significant legal, social, and psychological harm to the accused, including moral, material, and emotional damages. It concludes that improving investigation mechanisms, promoting continuous training for legal professionals, and ensuring rigorous technical application of criminal law are necessary to balance victim protection with the preservation of constitutional guarantees, ensuring justice system effectiveness.

**Keywords:** Maria da Penha Law; Presumption of Innocence; CriminalLaw; Gender Violence; Procedural Guarantees; abuse of rights.

### 1. INTRODUCTION

Law No. 11,340, of August 7, 2006, better known as the Maria da Penha Law (LMP), It constitutes one of the most emblematic normative instruments of the Brazilian legal system. Contemporary. The result of intense social mobilization and the condemnation of the Brazilian State by the Court. Inter-American Convention on Human Rights, its promulgation represented an unequivocal advance in the struggle.



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combating domestic and family gender-based violence, promoting a robust legal framework for the prevention, repression and punishment of conduct that has historically victimized women in contexts of vulnerability (DIAS, 2010, p.35). The legislation, with its multidisciplinary character, transcended the purely criminal scope, including protection and social, educational and assistance measures. health, highlighting a comprehensive approach to the problem.

However, the undeniable and justified priority given to the protection of women by the Maria da Penha Law... Penha does not exempt it from constant critical analysis of its practical application. Law, as This dynamic system requires harmonization among its various precepts and the confrontation of violence. Gender issues cannot, under any circumstances, be dissociated from the pillars of the Democratic Rule of Law. In this context, a debate of crucial importance to criminal science emerges: the tension between the The effectiveness of the Maria da Penha Law and the unwavering respect for the principle of presumption of innocence. fundamental guarantee enshrined in article 5, item LVII, of the Federal Constitution of 1988, applicable to each and every citizen, regardless of gender.

The research problem guiding this study, therefore, questions: How does the application of The Maria da Penha Law, in certain aspects of its implementation and in light of the procedural dynamics that... It is peculiar to him, and may weaken respect for the principle of the presumption of innocence of man. Does this create an imbalance in the fundamental guarantees of the Brazilian criminal process?

The academic and social relevance of this research lies in the urgency of promoting a legal reflection that, without mitigating the essential protection afforded to women, ensures that the mechanisms to combat domestic violence should not, even inadvertently, become... instruments for violating fundamental individual rights. The proposed discussion does not aim to... The goal is not to delegitimize the LMP, but rather to improve its application, ensuring that the right to protection is not violated. override the right to the presumption of innocence, which is fundamental to the legitimacy of any criminal proceedings.

Therefore, this article has the general objective of critically analyzing the points of conflict. between the Maria da Penha Law and the presumption of male innocence. As specific objectives, It is proposed: (a) to discuss the foundations and advances promoted by the Maria da Penha Law in Brazilian legal scenario; (b) revisiting the concept and indispensability of the principle of presumption of innocence as a constitutional guarantee and pillar of Criminal Law; (c) to identify and analyze, based in recent case law and doctrine, starting in 2022, with specific situations where the application (d) the LMP may raise questions about the presumption of innocence of man; and (d) propose reflections for an interpretation and application of the legislation that promotes a balance between protecting the victim and... guarantee of the rights of the accused.

The methodology employed is predominantly bibliographic and documentary research. with critical analysis of legislation, doctrinal positions, and relevant judicial decisions.



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published from 2022 onwards. This approach will allow arguments to be supported by data and

Updated interpretations of the legal landscape, giving the work the necessary scientific rigor.

## 2. The Maria da Penha Law: Comprehensive Protection and the Fight Against Gender Violence

Law No. 11,340/2006, a landmark legal document for the protection of women in Brazil, is the result of a long process of raising awareness and fighting for women's human rights. Its creation was driven by Brazil's condemnation in the Maria da Penha Maia Fernandes case before the Commission Inter-American Court of Human Rights, highlighting state inaction in the face of gender-based violence. (RAMOS, 2022, pp. 1550-1552). The LMP goes beyond mere punishment, establishing a network of protection and assistance involving the judicial, police, health, social assistance and education spheres, aiming at the suppression, prevention and eradication of violence.

The Maria da Penha Law classifies various forms of violence (physical, psychological, sexual, patrimonial and moral), broadening the understanding of what constitutes abuse and aggression in the context of domestic and family. One of its most effective instruments and, at the same time, generators of the debate centers on urgent protective measures. These measures, of a precautionary and provisional nature, seek to... To safeguard the physical and psychological integrity of the victim immediately. This may include removal of the abuser from the home, prohibition of approaching or contacting the victim and their family members, the suspension of gun ownership, among others (CUNHA; PINTO, 2022, p. 164-172)

The possibility of granting protective measures *inaudita altera pars*, that is, without hearing the other party. Prior hearing of the alleged aggressor is a cornerstone of the effectiveness of the Maria da Penha Law. This exceptionality is justified by the urgency of the situation and the imminent risk the victim may be facing, no. It is reasonable to await the summons and response from the aggressor before implementing the necessary protection. The prevailing doctrine and jurisprudence recognize the constitutionality and relevance of this mechanism, fundamental for speed and effectiveness in protecting victims (STJ, REsp 2,070,863/MG, Rapporteur Justice Rogério Schiatti Cruz, Third Section, DJe 03/22/2024).

However, it is precisely at this point – the *unprecedented concession alters a pair* of measures – that restricting the freedom and other rights of the accused – which initiates questions regarding their Harmonization with the principle of presumption of innocence. The tension lies in the delicate balance between the need to protect women and to ensure that no individual is treated as guilty. before a final and unappealable court decision.



### 3. THE PRINCIPLE OF PRESUMPTION OF INNOCENCE: A PILLAR OF THE DEMOCRATIC RULE OF LAW

The principle of presumption of innocence, or state of innocence, is one of the most important guarantees of the individual against the punitive power of the State, universally recognized in international declarations and treaties on human rights, and incorporated into the Federal Constitution of 1988, in its article 5, item LVII, which establishes: "no one shall be considered guilty until the final judgment." in a final judgment of a criminal conviction." Its legal nature is that of a fundamental principle and entrenched clause, radiating its effects throughout the entire criminal procedure system.

The presumption of innocence is not limited to a mere rule of procedural treatment or evidentiary, but it constitutes a true statute of the individual in criminal proceedings, requiring that the accused be treated as innocent at all stages of the criminal prosecution (LOPES JR., 2025, p.62). Among its multiple developments, the following stand out:

- Rule of Treatment: The accused must be treated as innocent both during the course of the proceedings and by society and the media, avoiding prejudice and stigmatization before the final sentence.
- Rule of Evidence: The burden of proof regarding authorship and the material elements of the crime rests exclusively on the prosecution (Public Prosecutor's Office or complainant). The accused does not need to prove their innocence; it is up to the prosecution to prove their guilt beyond a reasonable doubt.
- Rule of Judgment (In *Dubio Pro Reo*): In case of reasonable doubt about the guilt of the accused, the judge must decide in his favor, favoring acquittal.
- Limitation of Precautionary Measures: Any restriction on the freedom of the accused before the final judgment (preventive detentions, alternative measures) is of an extremely exceptional nature and can only be decreed with robust justification and the presence of legal requirements, always with the utmost observance of the principle.

The presumption of innocence, therefore, acts as a shield against state arbitrariness, protecting the individual from the hasty or unjust action of punitive power and ensuring that the A conviction will only occur after a fair trial, with full right to defense and rebuttal, and with the conclusive proof of guilt. Its mitigation, even in contexts of great social outcry or high... Protective relevance must be viewed with extreme caution, lest the foundations of the legal system be distorted (BADARÓ, 2023, pp. 512-515).

### 4. POINTS OF TENSION: THE MARIA DA PENHA LAW AND THE FRAGILITY OF RESPECT FOR PRESUMPTION OF MALE INNOCENCE

The Maria da Penha Law, in its noble purpose of protecting women, introduced mechanisms which, when not interpreted and applied with due balance, can generate significant tensions.



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with the principle of the presumption of innocence of man. This tension does not stem from a failure.

intrinsic to the law, but with challenges in its implementation and the need for a more accurate assessment.

regarding the legal and social consequences of their measures. As highlighted by Gomes (2015), the

legislation, by prioritizing the immediate protection of the victim, may inadvertently compromise guarantees.

Fundamental procedural principles, such as the presumption of innocence, especially in cases where measures

Protective orders are granted without a thorough analysis of the evidence. This imbalance arises, therefore...

Sometimes, the urgency to curb domestic violence leads to a preventive approach that...

It precedes a final conviction, potentially exposing the accused to restrictions before any other proceedings.

Proof of guilt.

In the operational context of the Maria da Penha Law, devices such as protective measures

The emergency measures (article 22 of Law 11.340) allow the judge to act quickly to remove the aggressor from the home.

without the need for a prior hearing in situations of imminent risk. This speed, although

Essential for safeguarding the integrity of women, it conflicts with the constitutional principle.

of the presumption of innocence, provided for in article 5, item LVII, of the Federal Constitution of 1988, which

It ensures that no one will be considered guilty until a final and unappealable criminal sentence is reached.

condemnatory. According to Silva (2018), this fragility manifests itself when man is

presumed guilty based on initial allegations, which can lead to social stigmatization and

legal, even in cases of unfounded accusations. Studies indicate that, in some cases, the

The reversal of these protective measures occurs late, exacerbating the tension between protection and justice.

even-minded.

To mitigate these tensions, it is imperative to promote a balanced interpretation of the law.

integrating it with constitutional principles in order to preserve the presumption of innocence without

compromising the effectiveness of violence prevention. Pereira (2020) argues that training

continued practice by legal professionals and the adoption of protocols that require minimum evidence before

The granting of such measures can harmonize these values, preventing abuses that violate rights.

fundamental. Furthermore, the jurisprudence of the Supreme Federal Court, as in the judgment of

[RHC 187976/DF](#), Rapporteur: Justice ALEXANDRE DE MORAES, 02/07/2020, reinforces the need

caution is advised to avoid transforming the law into an instrument of injustice, ensuring that the presumption of

The idea that male innocence should be respected as a pillar of democracy. This approach not only strengthens

The law, but it also contributes to a more just society.

#### **4.1. The speed of protective measures and the absence of**

##### **Qualified initial adversarial process**

The granting of urgent protective measures *without prior hearing of the other party* is a central point of



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debate. Although justified by the need for immediate protection of the victim, its application Indiscriminate or poorly justified decisions can result in the imposition of significant restrictions. to the life of the alleged aggressor without him having had the slightest opportunity to defend himself.

Removal from the home, prohibition of approaching or contacting others, and other similar restrictions, These are measures that directly affect a person's freedom of movement, privacy, and reputation. When these measures are granted based on superficial allegations and without a minimum of evidence. that corroborate them, even if for a limited period, man is placed in a situation of Legal and social vulnerability. He is summarily separated from his environment, often stripped of their possessions or family life, even before any judgment of cognition. summary regarding the veracity of the facts. Such a scenario can generate the perception of "guilt". "anticipated", violating the essence of the presumption of innocence (ROCHA, 1994 p. 52).

The absence of a qualified initial adversarial process, which is not a full adversarial process, but a The requirement for minimal analysis of the evidence opens the door to the misuse of the law, including in cases of false accusations or family disputes that use the LMP as an instrument of bargaining or retaliation. Recent case law has emphasized the need for Robust justification is needed for these measures, requiring judges to do more than merely invoke them. of urgency.

#### **4.2. The Victim's Testimony and the Factual Reversal of the Burden of Proof**

It is recognized that, in crimes of domestic violence, frequently committed in In a clandestine situation with no witnesses, the victim's word takes on significant probative value and, therefore... sometimes decisive ([Judgment 1972106](#), 0712198-07.2024.8.07.0005, Rapporteur: Arnaldo Corrêa Silva, 2nd Criminal Panel, judgment date: 02/20/2025, published in the Official Gazette: 03/06/2025). However, this This premise, vital for the protection of women, cannot be interpreted as a reversal of the burden of proof. evidence, where the accused man would be required to prove his innocence.

In situations where the victim's account lacks the minimum evidentiary elements that... corroborate, and the process moves forward solely based on such testimony, the presumption of innocence. Masculinity can be weakened. A scenario is created in which the mere allegation, unaccompanied by... Any other evidence, such as expert reports, messages, or indirect testimonies, gains weight. disproportionate, placing the accused in a defensive position that requires proof of a "non-fact". or the non-occurrence of aggression, which is inherently difficult.

This context challenges the constitutional principle of *in dubio pro reo*, which requires that doubt be resolved in case of doubt. be interpreted in favor of the accused. When the evidence presented by the prosecution is weak, the presumption The presumption of innocence should prevail, regardless of the sensitivity of the case.



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Contemporary scholars have warned about the risks of "judicial activism" which, in the name of protection, relativize fundamental guarantees (MENDES, 2025, pp. 647-649).

#### 4.3. Social and Media Stigma and "Premature Condemnation"

An accusation under the Maria da Penha Law carries a profound social stigma and The media-driven impact on a man is often irreversible, regardless of the outcome of the legal proceedings. Public exposure of a domestic violence accusation can destroy reputations, careers, and... personal and professional relationships even before any serious investigation or trial (SILVA, 2023, pp. 235-237).

The presumption of innocence, as a rule of treatment, is violated when a man is summarily condemned by public opinion and the media, being treated as guilty before the Due process of law. The speed at which information spreads, coupled with the sensitivity of the subject, It creates an environment of pre-judgment where the demystification of the accusation, even if through acquittal, judicial proceedings rarely manage to fully restore the dignity and honor of the accused. This aspect The concept of "premature condemnation" fatally undermines the principle of presumption of innocence in its full dimension. social, impacting the individual's life in a profound and lasting way (OLIVEIRA, 2025, p. 89).

The necessary awareness about gender-based violence cannot be allowed to turn into a A culture of presuming man's guilt risks distorting the ethical and legal foundations that... They uphold criminal justice.

### 5. PROPOSALS AND CONSIDERATIONS FOR A JURISPRUDENTIAL BALANCE AND LEGISLATIVE

The discussion about the points of tension between the Maria da Penha Law and the principle of presumption. The presumption of innocence should in no way be interpreted as a step backward in the protection of women. On the contrary, the aim is to improve the system, ensuring its legitimacy and sustainability. In the long term, some proposals and considerations are pertinent:

- Qualified Justification for Emergency Protective Measures: It is imperative that judicial decisions granting protective measures *ex parte* be based on exhaustive justification. This implies that the magistrate must explicitly state, at a minimum, the presence of plausible and credible evidence of the occurrence of violence (*fumus boni iuris*), a mere generic allegation not being sufficient, and, above all, the danger of harm or imminent risk to the victim (*periculum in mora*). The analysis must be individualized for the specific case, demonstrating the need for the measure and its adequacy and proportionality, as has been reiterated by decisions of higher courts.
- Speed in Conducting Subsequent Contradictory Proceedings: Once the protective measure has been granted *ex parte*, the system must ensure that contradictory proceedings and the right to a full defense are carried out in the shortest possible time.



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This allows the accused to present their version of the facts, produce evidence, and refute the victim's allegations, enabling the judge to reassess the need for and maintenance of the measures based on a more thorough assessment, without compromising immediate protection.

- **Enhancing Police Investigations:** It is crucial to invest in the training and resources of judicial police forces so that investigations in domestic violence cases seek complementary evidence beyond the victim's testimony whenever possible. The collection of additional evidence (testimonies, documents, expert reports, images) strengthens the process, both to support a possible conviction and to rule out false accusations, giving greater robustness and credibility to the system.
- **Accountability for False Reports:** While it is essential to ensure a safe environment for women to report violence, it is equally crucial that the legal system curbs the abuse of the right to self-representation. The verification of false accusations, which are harmful both to the unjustly accused man and to the credibility of the Maria da Penha Law itself, should lead to the accountability of the accuser, under the terms of criminal law (false accusation, false reporting of a crime, etc.). Such accountability, when bad faith is proven, serves as a deterrent to opportunistic acts and protects the system against distortions.
- **Ongoing Training for Legal Professionals:** Raising awareness of gender issues and providing technical training for the application of the Maria da Penha Law must go hand in hand. Judges, members of the Public Prosecutor's Office, public defenders, and lawyers need constant updating to act with the necessary diligence in protecting the victim, without losing sight of the constitutional guarantees of the accused.

## CONCLUSION

Therefore, the Maria da Penha Law is, unequivocally, a valuable legal instrument. invaluable for building a more just and equitable society, in which the dignity of women is respected. be fully respected. Its progress is irrefutable and its existence a moral imperative and legal. However, the effectiveness of a justice system is not measured solely by the protection of a group, but by its ability to guarantee rights to all involved, in accordance with the constitutional principles.

This study sought to demonstrate that, at the intersection between the imperative protection conferred by The Maria da Penha Law and the principle of presumption of innocence can create points of tension that... They weaken this fundamental guarantee for accused men. The speed in granting measures protective measures *without prior hearing of the other party*, without proper qualified justification, the excessive valuation of The victim's word without other supporting evidence and the strong social and media stigma that it entails. An accusation consists of elements that, together, can create an environment of "premature condemnation." throwing the scales of justice out of balance.

It is not being argued, it must be reiterated, that the Maria da Penha Law should be delegitimized, but rather that it should be applied. in accordance with the constitutional framework governing Brazilian Criminal Law. The search for a qualified justification of decisions, speed in the adversarial process, and improvement in investigations. and accountability for any abuses are proposals aimed at strengthening the system as a whole. The interpretation and application of the LMP (Law on Public Management) must, therefore, move towards a balance. that ensures the full protection of women, but without relativizing or nullifying the presumption of innocence.



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male, thus safeguarding the integrity of due process and the very legitimacy of Democratic Rule of Law.

For future research, it is suggested to deepen empirical studies on the psychosocial impact of the accusation under the Maria da Penha Law for acquitted men, as well as a comparative analysis of the interpretation and application of this principle in foreign legislation protecting women. Such investigations could offer additional data and perspectives for the continued improvement of Brazilian justice system.

Additionally, it is essential to promote social education and awareness campaigns that address gender stereotypes and combat domestic violence in a balanced way, avoiding the perpetuation of narratives that could harm public perception of the accusations unfounded. By investing in educational programs in schools, universities, and communities, it is possible to foster a culture of mutual respect and shared responsibility, reducing the stigma associated with accused men and encouraging substantiated accusations would contribute for a fairer and more effective application of the Maria da Penha Law.

Finally, the role of public and private institutions, such as the Judiciary and the Public Prosecutor's Office and civil society organizations, it must be strengthened to ensure transparency and accountability in the law enforcement process. The implementation of continuous monitoring mechanisms, such as Independent audits and annual reports on the granting of protective measures would allow Identify and correct any deviations, ensuring that the protection of victims does not come at the expense of of fundamental rights. This institutional commitment would not only strengthen confidence in justice, but it would also promote a more inclusive society where equity prevails over injustice. partiality, consolidating the Maria da Penha Law as a pillar of a truly fair State. democratic and fair.

## REFERENCES

**BADARÓ, Gustavo Henrique Righi Ivahy.** *Criminal Procedure*. São Paulo: Thomson Reuters Revista dos Tribunais, 2023. Accessed on: October 26, 2025.

**BRAZIL.** *Constitution of the Federative Republic of Brazil of 1988*. Brasília, DF: Federal Senate, 1988. Available at: [https://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm). Accessed on: October 26, 2025.

**BRAZIL.** *Law No. 11,340, of August 7, 2006*. Creates mechanisms to curb domestic and family violence against women, pursuant to § 8 of Article 226 of the Federal Constitution, the Convention on the Elimination of All Forms of Discrimination against Women, and the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women; provides for the creation of Domestic and Family Violence Courts against Women; amends the Code of Criminal Procedure, the Penal Code, and the Law on Criminal Execution; and provides other measures. *Official Gazette of the Union*, Brasília, DF, 8 October 2006. Available at: [https://www.planalto.gov.br/ccivil\\_03/ ato2004-](https://www.planalto.gov.br/ccivil_03/ato2004-)



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[2006/2006/lei/11340.htm](https://doi.org/10.21909/2675-9128.2025.11340). Accessed on: October 27, 2025.

**BRAZIL. Supreme Federal Court.** *Habeas Corpus Appeal No. 187.976/DF*. Rapporteur: Justice Alexandre de Moraes. Decided on July 2, 2020. Published in the *Electronic Official Gazette*. July 10, 2020.

**BRAZIL. Superior Court of Justice.** *Special Appeal No. 2,070,863/MG*. Rapporteur: Minister Rogerio Schietti Cruz. Third Section, decided on March 22, 2024. Published in the *Electronic Official Gazette* on March 22, 2024.

**CUNHA, Rogério Sanches; PINTO, Ronaldo Batista.** *Domestic and family violence against women: Law 11.340/2006 (Maria da Penha Law) commented article by article*. 13th ed. São Paulo: Saraiva Educação, 2023.

**DIAS, Maria Berenice.** *The Maria da Penha Law in Justice*. 8th ed. São Paulo: Revista dos Tribunais, 2022.

**GOMES, Luiz Flávio.** Presumption of innocence and the Maria da Penha Law: tensions and balances. *Journal of Criminal Law and Criminology*, São Paulo, v. 15, 2015.

**LIMA, Renato Brasileiro de.** *Manual of criminal procedure*. 11th ed. Salvador: JusPodivm, 2022.

**LOPES JR., Aury.** *Criminal procedural law*. 22nd ed. São Paulo: Saraiva Jur, 2025.

**MENDES, Gilmar Ferreira; BRANCO, Paulo Gustavo Gonet.** *Course on Constitutional Law*. 20th ed. São Paulo: Saraiva Jur, 2025.

**NUCCI, Guilherme de Souza.** *Annotated Criminal and Criminal Procedure Laws*. 16th ed. Rio de Janeiro: Forense, 2025.

**OLIVEIRA, Eugênio Pacelli de.** *Course on criminal procedure*. 29th ed. São Paulo: Atlas, 2025.

**PEREIRA, João Carlos.** Gender justice and presumption of innocence: challenges in the application of the Maria da Penha Law. *Brazilian Journal of Criminal Sciences*, Porto Alegre, v. 28, n. 3, p. 78–102, 2020.

**RAMOS, André de Carvalho.** *Course on human rights*. 9th ed. São Paulo: Saraiva Educação, 2022.

**ROCHA, Carmen Lúcia Antunes.** *Constitutional principles of criminal procedure*. 8th ed. Belo Horizonte: Del Rey, 1994.

**SILVA, Ana Paula.** Domestic violence and fundamental rights: a critical analysis of the Maria da Penha Law. *Cadernos de Direito Constitucional*, Rio de Janeiro, v. 22, n. 4, p. 112–135, 2018.

**SILVA, José Afonso da.** *Course on positive constitutional law*. 45th ed. São Paulo: Malheiros Editores, 2023.